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**FILED**

NOV - 5 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 AARON CARLON,

18 Defendant.  
19 \_\_\_\_\_

No. CR 12-00765-EJD

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM  
NOVEMBER 1, 2012 TO DECEMBER  
3, 2012 FROM THE SPEEDY TRIAL  
ACT CALCULATION (18 U.S.C. §  
3161(h)(7)(A))

20 On November 1, 2012, the parties appeared for a hearing before this Court. At that  
21 hearing, the government and defense requested an exclusion of time under the Speedy Trial Act  
22 based upon the defense counsel's need to effectively prepare by reviewing discovery materials to  
23 be provided by the government. At that time, the Court set the matter for a hearing before Judge  
24 Davila on December 3, 2012.

25 The parties stipulate that the time between November 1, 2012 and December 3, 2012 is  
26 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the  
27 requested continuance would unreasonably deny defense counsel reasonable time necessary for  
28 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

1 that the ends of justice served by granting the requested continuance outweigh the best interest of  
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18  
3 U.S.C. §3161(h)(7)(A).  
4

5 DATED: November 2, 2012

MELINDA HAAG  
United States Attorney

7 /s/  
8 JEFFREY B. SCHENK  
Assistant United States Attorney

10 /s/  
11 ROBERT CARLIN  
Attorney for Defendant

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between November 1, 2012 and December 3, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(7)(A).

IT IS SO ORDERED.

DATED:

11/5/12

  
\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE